

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action mailed December 18, 2006. Claims 1-20 were pending in the present application. This Amendment amends claims 3, 4, 6, 7, 9, 10, 13, 14, 16, 17, 19, and 20; and cancels claims 1, 2, 5, 8, 11, 12, 15, and 18; leaving pending in the application claims 3, 4, 6, 7, 9, 10, 13, 14, 16, 17, 19, and 20. Reconsideration of the rejected claims is respectfully requested.

#### **I. Allowable Subject Matter**

Claims 3, 4, 6, 7, 9, 10, 13, 14, 16, 17, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if the other objections to the claims are addressed. It is respectfully submitted that each of these claims has been re-written in independent form, including all of the limitations of the base claim and any intervening claims, and that the claims as amended overcome the objections as discussed below, such that each of these claims is now in condition for allowance. It is further submitted that the removal of the limitation that was rejected as constituting new matter should not affect the allowability of these claims, as that limitation was not cited as determining the allowability of these claims (OA p. 6). Further, such claims were held to be allowable in the previous Office Action before the addition of such limitations.

#### **II. Objection to the Claims and Rejection under 35 U.S.C. §112**

Claims 1-20 are objected to as adding new matter to the specification for reciting the limitation of the track reproduction signal being "recorded by an irradiated laser beam" (OA p. 2). These claims are also rejected under 35 U.S.C. §112, first paragraph, for reciting the same limitation, which is rejected as not being described in the specification in a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully submit that the claims as amended no longer recite such limitations, such that these rejections are now moot.

### **III. Rejections under 35 U.S.C. §102**

Claims 1, 2, 5, 8, 11, 12, 15, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by *Tetsushi* (JPO 11-045514), and alternatively being anticipated by Bokui (US 6,674,330). Although Applicants do not agree with the rejections, these claims have been canceled from the present application in order to expedite issuance of the allowable subject matter. Applicants reserve the right to present these or similar claims in a continuing application. Applicants therefore respectfully submit that the rejections are now moot.

### **IV. Amendment to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Jason D. Lohr  
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
JDL/slh  
60998759 v1